

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JEFFREY A. MANON,

Plaintiff,

v.

Case No. 04-73649  
Honorable Patrick J. Duggan

CORPORATE SOLUTIONS, LLC,  
STEVEN A. RICHARD, ROBERT A.  
MARKLEY, JR., and PROSOFT  
TECHNOLOGIES, INC.<sup>1</sup>

Defendants.

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**OPINION AND ORDER DENYING AS MOOT MOTION TO STRIKE EXPERT  
TESTIMONY FILED BY DEFENDANTS CORPORATE SOLUTIONS, LLC,  
STEVEN A. RICHARD, AND ROBERT A. MARKLEY JR.**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on January 9, 2006.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

This lawsuit arises from plaintiff Jeffrey Manon's unsuccessful attempt to purchase defendant Corporate Solutions, LLC ("Corporate Solutions") in December 2003 through January 2004, and Corporate Solutions eventual sale to defendant ProSoft Technologies, Inc. ("ProSoft") in February 2004. Presently before the Court is a motion to strike expert testimony filed by defendants Corporate Solutions, Steven A. Richard,

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<sup>1</sup>On December 16, 2005, the Court issued an Order granting defendant ProSoft Technologies, Inc.'s motion for summary judgment, resulting in its dismissal from the lawsuit.

and Robert A. Markley Jr. (collectively defendants), filed November 1, 2005. In their motion, defendants ask the Court to rule inadmissible the testimony of James C. Weber, plaintiff's designated expert on the issue of damages.

According to defendants, Mr. Weber's proposed expert opinion in this case concerns plaintiff's lost profits due to defendants' sale of Corporate Solutions to ProSoft rather than plaintiff.<sup>2</sup> In an opinion and order issued on December 23, 2005, however, this Court held that plaintiff "cannot recover any lost profits based on his inability to purchase Corporate Solutions where defendants never were legally obligated to sell the business' assets to him." *See* 12/23/05 Op. and Order at 17. As Mr. Weber's testimony therefore will not be necessary with respect to the issue of lost profits, the Court need not decide whether his opinion testimony satisfies *Daubert v. Merrel Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 113 S. Ct. 2786 (1993).

Accordingly,

**IT IS ORDERED**, that the motion to strike expert testimony filed by defendants Corporate Solutions, Steven Richard, and Robert Markley Jr. is **DENIED AS MOOT**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Paul M. Morgan, Esq.  
James R. Jeffery, Esq.

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<sup>2</sup>As defendants only challenge Mr. Weber's testimony regarding lost profits, to the extent his testimony concerns other damages, the present opinion and order do not apply.